



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,717	06/06/2001	Raymond Anthony Joao	JBF02	7136

7590 08/09/2007  
RAYMOND A. JOAO, ESQ.  
122 BELLEVUE PLACE  
YONKERS, NY 10703

EXAMINER

LIVERSEDGE, JENNIFER L

ART UNIT	PAPER NUMBER
----------	--------------

3692

MAIL DATE	DELIVERY MODE
-----------	---------------

08/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/875,717

**Applicant(s)**

JOAO ET AL.

**Examiner**

Jennifer Liversedge

**Art Unit**

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 33 and 35-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33 and 35-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 09/875,717 filed on June 3, 2007.

The amendment contains amended claims: 33

The amendment contains previously presented claims: 35-52

The amendment contains new claim: 53

Claims 1-32 and 34 are canceled.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 33 and 35-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,493,685 B1 to Ensel et al. (further referred to as Ensel), and

Art Unit: 3692

further in view of US Patent No. 5,915,022 to Robinson et al. (further referred to as Robinson).

Regarding claims 33 and 53, Ensel discloses an apparatus comprising:

A first processing device (column 12, lines 31-33; column 16, lines 38-40) for processing information regarding a transaction involving an account associated with an individual account holder, wherein the first processing device generates a first message containing information regarding the transaction (column 9, line 4 – column 10, line 49);

A transmitter (column 14, lines 9-11) for transmitting the first message to a first communication device associated with the individual account holder (column 4, lines 17-38; column 6, lines 32-50; column 8, lines 18-21);

A memory device for storing for each of a plurality of accounts associated with the individual account holder, information regarding at least one completed transaction on each of at least two accounts of the plurality of accounts (column 2, lines 11-17; column 3, lines 48-52; column 4, lines 58-63; column 5, lines 1-4; column 5, line 63 – column 6, line 10; column 10, lines 21-49) comprising at least one of a credit card account, a debit card account, a charge card account (column 4, lines 42-46; column 6, lines 1-31; column 7, lines 7-11), and at least one of a bank account, a checking account, a savings account, an electronic money account, a brokerage account (column 3, lines 48-52; column 6, lines 1-31), a wireless communication account, and a cellular communication account (column 2, lines 46-56; column 6, lines 1-31), and wherein the information regarding the at least one completed transaction on each of at least two

Art Unit: 3692

accounts of the plurality of accounts includes, for each completed transaction, information regarding the completed transaction or information contained in the first message, and wherein for each completed transaction, the information regarding the at least one completed transaction on each of at least two accounts of the plurality of accounts includes information regarding an identity and contact information (column 4, lines 17-38; column 6, lines 32-50; column 8, lines 18-21) for at least one of a merchant, a vendor, a bank, a financial institution, a brokerage firm, an electronic money account, and a communication account provider, involved in the completed transaction, where the information regarding the at least one completed transaction on each of at least two accounts of the plurality of accounts or the information contained in the first message is automatically received by a receiver and stored in the memory device (column 2, lines 46-56; column 3, lines 48-52; column 6, lines 1-31);

Wherein the first or a second processing device processes information regarding a request for transaction information, wherein the request for transaction information is transmitted from the first or second communication device associated with the individual account holder and generates a second message in response to the request using the information regarding transactions stored in the memory device (column 5, lines 21-26; column 7, line 60 – column 8, line 13; column 11, line 56 – column 12, line 2; column 15, lines 16-30; column 18, lines 45-66; Figure 10), where the second message contains information regarding at least one transaction and contact information regarding the at least one of a merchant, a vendor, a bank, a financial institution, a brokerage firm, an electronic money account, and a communication account provider

Art Unit: 3692

involved in the transaction (column 2, lines 46-56; column 3, lines 48-52; column 6, lines 1-31);

Wherein the second message is transmitted to the first or second communication device on or over at least one of the Internet and the World Wide Web (column 7, lines 14-18; column 9, line 4 – column 10, line 49).

Ensel does not disclose where a message containing information regarding the transaction is generated as the transaction is occurring. However, Robinson discloses where a message containing information regarding the transaction is generated as the transaction is occurring (column 3, lines 42-65; column 4, lines 4-20; column 5, lines 53-64; column 6, lines 13-40). It would be obvious to one of ordinary skill in the art to modify the electronic billing system as disclosed by Ensel to adapt the use of communication while the transaction is occurring as disclosed by Robinson. The motivation would be that when a transaction is being conducted on the Internet, the option for real-time communication exists and by using the communication channels to verify the customer's order, verify payment method, send confirmation information, etc. a more accurate transaction can be produced. The use of messages during a transaction is also well known in the art for verifying the user of a credit card or debit card, for example, in order to ensure that the user is in fact the cardholder. Sending a message from a merchant to a phone number stored in a database associated with a credit card in order to ask the individual "Are you sure you want to process this transaction?" is an old and well known technique in fraud prevention and provides a

Art Unit: 3692

cardholder the opportunity to authorize or decline a transaction based on whether it is the user attempting the transaction or not.

Ensel does not disclose wherein the first or a second processing device processes, requests, and transmits information regarding a request for information regarding at least one completed transaction. However, Robinson discloses wherein the first or a second processing device processes, requests, and transmits information regarding a request for information regarding at least one completed transaction (column 2, lines 58-63; column 5, lines 1-11; column 6, lines 48-53; column 7, lines 13-17; column 8, lines 29-37). It would be obvious to one of ordinary skill in the art to modify the electronic billing system as disclosed by Ensel to adapt the means by which one can inquire of completed transactions as disclosed by Robinson. The motivation would be that as Ensel discloses being able to inquire about transactions in general, it would be obvious to enable a user to inquire about a completed transaction. Information regarding the transaction is stored in a database and enabling consumers to inquire about a completed transaction is old and well known in the art be it through contacting a customer service representative, or sending messages such as via email or SMS text.

Regarding claim 35, Ensel discloses the apparatus wherein the contact information regarding the at least one of a merchant, a vendor, a bank, a financial institution, a brokerage firm, an electronic money account, and a communication

Art Unit: 3692

account provider (column 2, lines 46-56; column 3, lines 48-52; column 6, lines 1-31) includes a link or hyperlink (column 7, lines 5-18).

Regarding claim 36, Ensel discloses the apparatus wherein the apparatus stores account transaction information for a plurality of transactions involving a plurality of accounts associated with the individual account holder (column 2, lines 11-17; column 3, lines 48-52; column 4, lines 58-63; column 5, lines 1-4; column 5, line 63 – column 6, line 10; column 10, lines 21-49).

Regarding claim 37, Ensel discloses the apparatus wherein the apparatus transmits a personalized transaction account directory to the first or second communication device (column 5, lines 1-4 and lines 21-26; column 10, lines 21-49; column 11, line 56 column 12, line 2).

Regarding claims 38-41, Ensel discloses the apparatus wherein the first or second communication device is a personal computer, a personal digital assistant, an interactive television, and a cellular phone (column 3, line 66 – column 4, line 16; column 9, lines 56-62; column 14, lines 47-53).

Regarding claims 42-52, Ensel discloses the apparatus wherein the account is a credit card account, a debit card account, a charge card account, a “smart” card account, a currency card account, a bank account, a brokerage account, a checking



Art Unit: 3692

account, a savings account, an electronic money account and a cellular communication account or a wireless communication account (column 2, lines 51-56; column 3, lines 48-52; column 4, lines 1-16; column 4, lines 39-63; column 5, line 63 – column 6, line 31; column 7, lines 7-18; column 11, lines 14-20 and lines 60-66; column 14, lines 56-61; column 17, lines 49-54).

### ***Response to Arguments***

Applicant's arguments with respect to claims 33 and 35-53 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3692

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

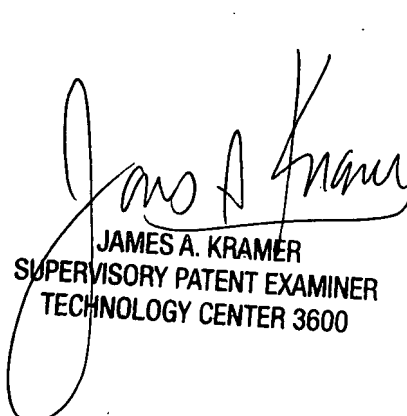
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Kramer can be reached at 571-272-6783. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

Art Unit 3692

7/27/07  
  
JAMES A. KRAMER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600